

APPENDIX 8-3
DEFENDANTS' WITNESS LISTS

DEFENDANTS' TRIAL WITNESS LIST***Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al., 1:11-cv-08808***

Defendants United Egg Producers, Inc., United States Egg Marketers, Inc., Cal-Maine Foods, Inc., and Rose Acre Farms, Inc. hereby identify the following witnesses who Defendants will or may call to testify at the trial in the above-captioned matter. Defendants submit this joint witness list for the Court's and Plaintiffs' convenience and without waiver of any individual Defendant's right to conduct cross-examination of any witness offered by any other party.

This list is based on information reasonably available to Defendants at this time. Defendants reserve the right to revise, correct, supplement, or clarify these disclosures, consistent with Fed. R. Civ. P. 26(e) and the Court's Pretrial Schedule. Defendants reserve the right to call any individual identified or called as a witness in this action by Plaintiffs, including each of the persons identified in Plaintiffs' initial, intermediate, and final Witness Lists. Defendants further reserve the right to identify additional witnesses based on witnesses identified by Plaintiffs.¹

Defendants expect to present the following witnesses:

LIVE - WILL CALL

<u>Witness</u>	<u>Affiliation</u>	<u>Anticipated Testimony</u>	<u>Plaintiffs' Objection or MIL</u>
Jeff Armstrong	UEP Scientific Advisory Committee	Dr. Armstrong is expected to testify as to the UEP Scientific Advisory Committee's activities, the development of the UEP Scientific Advisory Committee Animal Welfare Recommendations, and the translation of the Recommendations into the UEP Animal Husbandry	Object to Defendants calling Dr. Armstrong during Plaintiffs' case-in-chief.

¹ Plaintiffs reserve the right to object to any witnesses Defendants may further identify, if any.

		<p>Guidelines for Egg Laying Hens.</p> <p>*Available to testify October 30 through November 2, and November 15 through November 17</p>	
Dolph Baker	Cal-Maine Foods	Mr. Baker is expected to testify as to Cal-Maine's involvement in UEP; its decision to join the UEP Certified Program; Cal-Maine's egg sales; and Cal-Maine's business, generally.	
Jesse David	Edgeworth Economics	Dr. David is expected to provide expert testimony concerning Rose Acre consistent with his report.	
Jeff Hardin	Cal-Maine Foods	Mr. Hardin is expected to testify as to Cal-Maine's customers; Cal-Maine's egg business; animal welfare issues in the egg marketplace; and customer demand for UEP Certified eggs.	
Gregory Hinton	Rose Acre Farms	Mr. Hinton is expected to testify about his experience with animal welfare issues in the egg marketplace; Rose Acre's sales in the shell egg and egg products markets; Rose Acre's exports and egg products business; and customer demand for UEP Certified eggs.	
David Hurd	Rose Acre Farms	Mr. Hurd is expected to testify concerning Rose Acre's animal husbandry practices; state-based animal welfare initiatives and the effect of those laws	

		and regulations on Rose Acre's business; and Rose Acre's efforts to implement the UEP Certified Program and expand its production.	
Gregory Marshall	Rose Acre Farms	Mr. Marshall is expected to testify concerning Rose Acre's efforts to expand its egg production; Rose Acre's egg production of eggs over time; and Rose Acre's finances.	
Gary Pickett²	Walmart	Mr. Pickett is expected to testify regarding Walmart's purchase of shell eggs, its animal welfare policies, and how such policies related to relationships with its shell egg suppliers, including certain Defendants. Mr. Pickett further will testify about Walmart's purchasing practices, its adoption and implementation of the UEP Certified Program, and the so-called 100% Rule, as well as his relevant experiences with Cal-Maine, Rose Acre Farms, and Sparboe.	Plaintiffs' MIL No. 5
Marcus Rust	Rose Acre Farms	Mr. Rust is expected to testify concerning Rose Acre's decision to join UEP, USEM, and the UEP Certified Program; Rose Acre's involvement in UEP and USEM; and Rose Acre's business, generally.	

Jonathan Walker	Economists, Inc.	Dr. Walker is expected to provide expert testimony consistent with his reports.	
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LIVE - MAY CALL LIST

<u>Witness</u>	<u>Affiliation</u>	<u>Anticipated Testimony</u>	<u>Plaintiffs' Objection or MIL</u>
Kim Rice	Rose Acre Farms	Mrs. Rice is expected to testify concerning Rose Acre's egg products business.	Plaintiffs request a deposition of Mrs. Rice prior to any testimony at trial, given that she was never previously deposed and first disclosed as a possible witness in July 2022. On September 11, 2022, RA informed Plaintiffs that it was highly unlikely that Ms. Rice would testify. Defendants then identified Ms. Rice as a witness on July 19, 2023.
Steve Storm	Cal-Maine Foods	Mr. Storm is expected to testify as to Cal-Maine's involvement in UEP and specifically his involvement with the UEP Producer Committee for Animal Welfare; its business operations; and animal welfare-related issues for Cal-Maine and its customers.	
Ken Paramore	Cal-Maine Foods	Mr. Paramore is expected to testify as to Cal-Maine's customers; Cal-Maine's egg business; animal welfare issues in the egg marketplace; and customer demand for UEP Certified eggs.	

Tim Thompson	Cal-Maine Foods	Mr. Thompson is expected to testify as to Cal-Maine's pre-2000 withdrawal from the egg product industry and the extent of its involvement in egg products during the relevant time period.	Plaintiffs request a deposition of Mr. Thompson prior to any testimony at trial, given that he was never previously deposed and first disclosed as a possible witness in July 2022. On September 11, 2022, CM informed Plaintiffs that it was unlikely to call Mr. Thompson. CM then identified Mr. Thompson as a witness for this submission on July 19, 2023.
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DESIGNATED VIDEO TESTIMONY – MAY CALL³

<u>Witness</u>	<u>Affiliation</u>	<u>Plaintiffs' Objection or MIL⁴</u>
Curtis Amundson	Kraft Foods	
Terry Baker	Michael Foods	
Gregory Bates	Publix	Plaintiffs' MIL No. 5
Timothy Bebee	Michael Foods	
Don Bell	University of California - Riverside	
Karen Brown	Food Marketing Institute	Plaintiffs' MIL No. 5

³ Plaintiffs and Defendants are working in good faith to determine whether each party has satisfied the requirements that the witness is unavailable under Rule 804. Both sides believe that they can work through the issue without intervention of the Court.

⁴ Plaintiffs note the number of witnesses Defendants have designated relating to grocers and FMI. Although the Court has ruled on Plaintiffs' Motion in Limine, the evidence may result in a great focus on this issue than is warranted by the trial, causing undue delay, a waste of time, and the needless presentation of cumulative evidence under Rule 403.

Toby Catherman	Michael Foods	
Ramesh Daga	Conopco	Plaintiffs' MIL No. 5
Brian Dowling	Safeway	Plaintiffs' MIL No. 5
Steven Feyman	Nestle USA	
Gene Gregory	United Egg Producers	
Jill Hollingsworth	Food Marketing Institute	Plaintiffs' MIL No. 5
Sage Horner	Albertsons / SuperValu	Plaintiffs' MIL No. 5
Michelle Kamzalow	Heinz	Plaintiffs' MIL No. 5
Thomas Klump	Kroger	Plaintiffs' MIL No. 5
Thomas Langan	Conopco	Plaintiffs' MIL No. 5
David Lawrence	Safeway	Plaintiffs' MIL No. 5
Virginia Littlefield	Safeway	Plaintiffs' MIL No. 5
Gerald Lynch	General Mills	
Scott Manion	Kraft Foods	
Tiffany Mercuri	General Mills	
Paul Moran	Giant Eagle	Plaintiffs' MIL No. 5

Matthew Neal	The Kellogg Company	
Greg Ostrander	Michael Foods	
Robert Pontius	Albertsons / SuperValu	Plaintiffs' MIL No. 5
Al Pope	United Egg Producers	
Terry Profitt	Cargill Kitchen Solutions	402, 403
Payton Pruett	Kroger	Plaintiffs' MIL No. 5
Robert Randall	Cal-Maine Foods	
William Rehm	Daybreak	Plaintiffs' MIL No. 5
Beth Schnell	Sparboe Farms	Plaintiffs' MIL No. 3, Dkt. 175; Order re MIL No. 3, Dkt. 287
Norm Stocker	Cargill Kitchen Solutions	402, 403
Steve Storm	Cal-Maine Foods	
Gary Stull	Kroger	Plaintiffs' MIL No. 5
Naamua Sullivan	General Mills	
Kelly Tobey	The Kellogg Company	
Binh Tran	General Mills	

William Trask	Nestle USA	
Mark Westphal	Michael Foods	
James Wilson	Publix	Plaintiffs' MIL No. 5

Defendants' Expert Witnesses

1. Jonathan Walker

Jonathan Walker is a Managing Director at Secretariat Economists LLC, the successor organization to Economists Incorporated. Prior to joining Economists Incorporated, Dr. Walker had been a strategy consultant. Before that, he was a visiting research fellow at the Federal Reserve Bank of Boston. There, he participated in antitrust enforcement and conducted research concerning the commercial banking industry. Dr. Walker earned his undergraduate degree from the University of California at Berkeley. Upon graduation, he earned National Science Foundation and American Economics Association Fellowships to attend the Massachusetts Institute of Technology where he earned a Ph.D. in economics.

Dr. Walker was the President and Chief Executive Officer of Economists Incorporated for 18 years prior to its transition to Secretariat Economists. As President of Economists Incorporated, Dr. Walker oversaw approximately 30 Ph.D. economists plus other professionals and support staff in the conduct of economic research and the provision of economic consulting services throughout the world. In addition to his role managing the firm, Dr. Walker has often been retained personally to provide opinion testimony at U.S. and international arbitrations and in U.S. courts and to consult in a non-testifying capacity on a variety of economic topics.

Dr. Walker's consulting engagements most often concern antitrust, employment or damages questions that arise in the context of litigation or regulation. Dr. Walker's antitrust work has addressed topics such as merger analysis, market definition, competitive effects, antitrust injury and quantification of damages. In the employment realm, he has conducted statistical analyses to measure disparities in employment outcomes across demographic groups. Dr. Walker's non-antitrust compensatory damages work has most often concerned contract damages, lost profits, disgorgement and diminution in value. Dr. Walker has also investigated and testified about class certification as it related to antitrust, employment and damages claims. Dr. Walker has been retained on numerous occasions to consider punitive damages, including optimal fines and the adequacy or inadequacy of other incentives, besides punitive awards, to deter future wrongdoing.

Dr. Walker has previously testified in federal court in agricultural commodity cases. In addition to agriculture, Dr. Walker's case experience spans a variety of industries including but not limited to, sports, energy, financial services, education, healthcare, manufacturing, natural resources, professional services, real estate and transportation.

Dr. Walker has been retained by plaintiffs and defendants alike. On the plaintiff side, Dr. Walker's clients have included individuals, unions, corporations, and government agencies such as the U.S. Department of Justice and U.S. Department of Labor. On the defendant side, Dr. Walker has also been retained by individuals, corporations, and government agencies as well as not-for-profit charitable organizations, not-for-profit corporations and sports leagues.

In addition to professional work, Dr. Walker is a member of the Board of Directors of the San Francisco Marin Food Bank. He is currently the Vice Chair, and he has served on its Finance, Audit and Governance Committees as well as various task forces.

2. Jesse David

Jesse David is a Partner at Edgeworth Economics and head of Edgeworth's Los Angeles office. Dr. David is an expert on the valuation of intangible assets, market definition, and the assessment of economic impacts in complex commercial disputes and regulatory proceedings. His experience spans intellectual property, antitrust, labor, regulatory, and class certification matters, among other economic issues related to the intersection of business and government.

Dr. David has submitted expert reports and has testified in Federal Courts regarding antitrust issues on numerous occasions, including in matters involving agricultural commodities, energy markets, and software. Dr. David has also provided economic consulting and expert testimony for other industries, including pharmaceuticals, transportation, agricultural products, finance, petroleum products, chemicals, software, and consumer products. He frequently submits expert reports to and testifies before decision-making bodies, including U.S. federal and state courts, the Federal Energy Regulatory Commission, the National Energy Board of Canada, and various arbitration venues.

Dr. David's consulting practice also includes developing cost-benefit analyses of government regulations and assessing the economic impacts of government policies and other changes in industry structure. Dr. David has prepared studies for entities such as the American Trucking Associations, the National Football League Players Association, the San Diego County Water Authority, the New York Power Authority, and the Ocean Conservancy.